

**Notice of Allowability**

Application No.

10/767,378

Examiner

Reginald A. Renwick

Applicant(s)

BAERLOCHER ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/27/2004.
2. ☒ The allowed claim(s) is/are 1-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Remarks***

1. Applicant has made the necessary corrections required to claims 27-28, 30, 44, 48, 56, 57, 64, 68 by the examiner and hence the objection is withdrawn.
2. The rejection of claims 1-5, 8-10, 17-21, 24-29, 31-36, 41, 43-53, 56-57, 60-61, 68-69, 72-73, 76-77 for nonstatutory obviousness-type double patenting over claims 1-9, 27-28, and 35-36 of U.S. Patent No. 6,688,975 of U.S. Patent No. 6,688,975, in light of the terminal disclaimer, is withdrawn.

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 6/11/07 disclaiming the terminal portion of the patent being reexamined, which would extend beyond the expiration date of U.S. Patent No. 6,688,975 has been reviewed and is accepted. The terminal disclaimer has been recorded.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

## CROSS REFERENCE TO RELATED APPLICATIONS

[0001] This application is a continuation application of U.S. patent application Ser. No. 09/978,913 now Patent No. 6,688,975, filed on Oct. 15, 2001, entitled "Gaming Device Having an Ordered Designation of Bonus Values in Multiple Value Sets," which is incorporated herein by reference. [0002] This application is related to the following co-pending commonly owned patent applications: "Gaming Device Having A Bonus Scheme With Multiple Selection Groups," Ser. No. 09/656,702 now Patent No. 6,439,995, Attorney Docket No. 0112300-008; Gaming Device Having Competition Bonus Scheme," Ser. No. 09/628,144 now Patent No. 6,406,369, Attorney Docket No. 0112300-028; "Gaming Device Having A Multiple Selection Group Bonus Round," Ser. No. 09/605,107 now Patent No. 6,511,375, Attorney Docket No. 0112300-031; "Gaming Device Having Related Multi-Game Bonus Scheme," Ser. No. 09/688,972, Attorney Docket No. 0112300-158; "Gaming Device With A Bonus Scheme Having Repeated Selection Of Value Sets With Option To Save Values," Ser. No. 09/684,533, now Patent No. 6,464,582, Attorney Docket No. 0112300-469; "Gaming Device Having A Multiple Selection And Award Distribution Bonus Scheme," Ser. No. 09/688,635 now Patent No. 6,599,185, Attorney Docket No. 0112300-476; "Gaming Device Having Regenerating Multiple Award Opportunities," Ser. No. 09/960,784 now Patent 7,066,814, Attorney Docket No. 0112300-485; "Gaming Device Including Choices Having Varying Probabilities Of Contributing To Game's Termination," Ser. No. 09/957,308 now Patent 6,758,747, Attorney Docket No. 0112300-489; "Gaming Device Having Termination

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Variable," Ser. No. 09/966,658 now Patent No. 6,607,438, Attorney Docket No.

0112300-578; "Gaming Device Having A Bonus Scheme With Multiple Potential Award

Sets," Ser. No. 09/822,697 now Patent No. 6,796,899, Attorney Docket No 0112300-

592; "Gaming Device Having An award Distributor And An Award Accumulator Bonus

Game," Ser. No. 09/682,369 now Patent No. 6,663,489, Attorney Docket No. 0112300-

766; and "Gaming Device Having Competing Awards," Ser. No. 09/960,785 now Patent

No. 6,722,983, Attorney Docket No. 0112300-812.

### ***Statement of Reasons for Allowance***

3. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-85 are allowed because the prior art of record neither anticipates nor renders obvious the limitations of base claims 1, 19, 25, 31, 33, 35, 39, 41, 44, 46, 48, 50, 52, 56, 60, 64, 68, 72, and 76, including "a value order associated with each value set", "at least one outcome associated with each value set", "display the value sets" before "input to be made", "a multiple value outcome," and "termination events is associated with one of a plurality of different mathematical formulas."

### ***Conclusion***

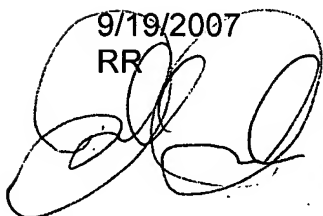
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald A. Renwick whose telephone number is 571-270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

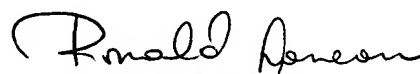
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/19/2007  
RR



  
RONALD LANEAU  
PRIMARY EXAMINER

10/01/07